

ROBERT F. CALDWELL                               §  
v.   §      CIVIL ACTION NO. 6:08cv496  
DIRECTOR, TDCJ-CID                           §

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In his objections, Caldwell argues that the Magistrate Judge “was not neutral,” that he, Caldwell, was denied due process, that there was no evidence to support the finding of guilt because the hearing officer’s testimony was false and thus not evidence, the disciplinary hearing officer was not impartial, and that he is entitled to an evidentiary hearing in order to find out “where the truth lies.” He does not allude to the Magistrate Judge’s conclusion that he did not show the deprivation of a constitutionally protected liberty interest through the punishments which were imposed, nor does he point to any such liberty interest. Caldwell’s objections are without merit, as is his request for an evidentiary hearing through which he apparently seeks to re-try the disciplinary case. *See Smith v. Rabelais*, 659 F.2d 539, 545 (5th Cir. 1981) (*de novo* factual review of the evidentiary basis for a finding of guilt in a prison disciplinary case is not required).

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the original petition, the Report of the Magistrate Judge, the Petitioner’s objections thereto, and all other pleadings, documents, and records in the case. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the objections of the Petitioner are without merit. It is accordingly

ORDERED that the Petitioner’s objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Robert Caldwell is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

**So ORDERED and SIGNED this 27th day of March, 2009.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**